IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTH DAY OF JANUARY
TWO THOUSAND AND SIX

PRESENT

THE HON'BLE SRI JUSTICE BILAL NAZKI

and
THE HON'BLE SRI JUSTICE S.ANANDA REDDY

W.P.Nos.25197 of 2005 and 34 of 2006

W.P.No.25197 of 2005:

Between:

Kalidasu Satyanarayana.

.....PETITIONER

AND

1.The Superintendent of Police,

Guntur, Guntur District, and 3 others.

.....RESPONDENTS

W.P.No.34 of 2006:

Between:

Chalapaka Vijaya Sekhar

.....PETITIONER

AND

1.The Superintendent of Police,

Guntur, Guntur District, and 2 others.

.....RESPONDENTS

COMMON ORDER: **(Per Hon'ble Sri Justice Bilal Nazki,)**

These two writ petitions are being disposed of by common order because there arise similar questions of fact and law.

In W.P.No.25197 of 2005, the petitioner claimed that his wife *viz*., 'Chandana Sravanthi' had been illegally detained. He complained that respondent-police officials under the guise of investigation in Cr.No.194 of 2005 were harassing him. An interim order was passed by this Court on 28-11-2005.

Writ Petition No.34 of 2006 has been filed by the father of the girl *viz*., 'Chandana Sravanthi' alleging that the third respondent, who is the writ petitioner in W.P.No.25197 of 2005 had kidnapped his daughter.

Both these writ petitions were taken together and the writ petitioner in W.P.No.25197 of 2005 was asked to produce the alleged detenue on 06-01-2006.

Today, the alleged detenue is present, and we have recorded her statement. She stated in her statement that she had married

Kalidasu Satyanarayana, *i.e.,.* the writ petitioner in W.P.No.25197 of 2005, in November, 2005, and has been living with him out of her own free will. However, there is dispute with regard to the age of the detenue. The original certificate issued by the Board of Secondary Education has been produced by the father of the alleged detenue which shows that the detenue *viz*., 'Chandana Sravanthi' was born on 30-07-1988 whereas in W.P.No.25197 of 2005, photocopies of certain certificates have been produced and that certificate shows the name of 'Chandanavathi'. Both the certificates show the photograph of the alleged detenue. The original certificate is produced in W.P.No.34 of 2006 by the father. In the photocopy produced by the petitioner in W.P.No.25197 of 2005, one cannot even make out whether it is a photograph of a male person or a female person. We are not sure whether the photograph belongs to the girl, who is before us and about whose identity there is no dispute. These are the matters, which will have to be taken care of by the Police during investigation. Even if it is accepted that the marriage had taken place as has been contended by the detenue before us, and even then, if she was minor on the day she was taken away from her natural guardian, it would be an offence punishable under the Indian Penal Code. Therefore, while not commenting on the exact age of the alleged detenue, keeping in view her interests, we allow her to go back with her husband. But, this order shall not be taken as an expression of opinion with regard to any of the Crimes registered by the Police. They shall be free to investigate and come to a conclusion with regard to the age of the alleged detenue *viz*., 'Chandana Sravanthi'.

Writ petitions are, accordingly, disposed of.

(Bilal Nazki, J)

6th January, 2006

(S.Ananda Reddy, J)

LUR